

*Filed Sept 6, 2005  
in Open Court  
USDC WDA  
S. M. ...*

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
DANVILLE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

LANNY BENJAMIN BODKINS  
ANTHOINE PLUNKETT

Defendants.

Criminal Action No. 4:04CR70083

**SPECIAL FINDINGS FORM**  
**DEFENDANT PLUNKETT**

By: Hon. Glen E. Conrad  
United States District Judge

I. **Age of Defendant**

A. Do you the jury unanimously find that the government has proven beyond a reasonable doubt that Anthoine Plunkett was eighteen years of age or older at the time of the offense committed in Count One?

YES ☒ NO ☐

B. Do you the jury unanimously find that the government has proven beyond a reasonable doubt that Anthoine Plunkett was eighteen years of age or older at the time of the offense committed in Count Two?

YES ☒ NO ☐

C. Do you the jury unanimously find that the government has proven beyond a reasonable doubt that Anthoine Plunkett was eighteen years of age or older at the time of the offense committed in Count Five?

YES ☒ NO ☐

II. **Threshold Intent Factors**

A. **Count One**

1. As to Count One, do you the jury unanimously find beyond a reasonable doubt that Anthoine Plunkett intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of

the participants in the offense, and that Tyree Wimbush died as a result of that act?

YES ☒ NO ☐

**OR**

2. As to Count One, do you the jury find beyond a reasonable doubt that Anthoine Plunkett intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and that Tyree Wimbush died as a direct result of the act?

YES ☐ NO ☐

**B. Count Two**

1. As to Count Two, do you the jury unanimously find beyond a reasonable doubt that Anthoine Plunkett intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and that Tyree Wimbush died as a result of that act?

YES ☒ NO ☐

**OR**

2. As to Count Two, do you the jury find beyond a reasonable doubt that the defendant, Anthoine Plunkett, intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and that Tyree Wimbush died as a direct result of the act?

YES ☐ NO ☐

**C. Count Five**

1. As to Count Five, do you the jury unanimously find beyond a reasonable doubt that Anthoine Plunkett intentionally participated in an act, contemplating that the life of a person would be taken or intending that

lethal force would be used in connection with a person, other than one of the participants in the offense, and that Tyree Wimbush died as a result of that act?

YES ☒ NO ☐

**OR**

2. As to Count Five, do you the jury find beyond a reasonable doubt that Anthoine Plunkett intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and that Tyree Wimbush died as a direct result of the act?

YES ☐ NO ☐

If you answered "NO" with respect to all of the determinations in this Section II, then stop your deliberations, sign Decision Form A, and advise the court that you have reached a decision.

If you answered "YES" with respect to any one of the determinations in Section II, then proceed to Section III.

**III. Statutory Aggravating Factors**

**A. Count One**

1. As to Count One, do you the jury unanimously find beyond a reasonable doubt that Anthoine Plunkett procured the commission of the offense by payment, and promise of payment, of anything of pecuniary value?

YES ☒ NO ☐

2. As to Count One, do you the jury unanimously find beyond a reasonable doubt that Anthoine Plunkett committed the offense after substantial planning and premeditation to cause the death of Tyree Wimbush?

YES ☒ NO ☐

B. Count Two

1. As to Count Two, do you the jury unanimously find beyond a reasonable doubt that Anthoine Plunkett procured the commission of the offense by payment, and promise of payment, of anything of pecuniary value?

YES ☒ NO ☐

2. As to Count Two, do you the jury unanimously find beyond a reasonable doubt that Anthoine Plunkett committed the offense after substantial planning and premeditation to cause the death of Tyree Wimbush?

YES ☒ NO ☐

C. Count Five

1. As to Count Five, do you the jury unanimously find beyond a reasonable doubt that Anthoine Plunkett procured the commission of the offense by payment, and promise of payment, of anything of pecuniary value?

YES ☒ NO ☐

2. As to Count Five, do you the jury unanimously find beyond a reasonable doubt that Anthoine Plunkett committed the offense after substantial planning and premeditation to cause the death of Tyree Wimbush?

YES ☒ NO ☐

If you answered "NO" with respect to all of the determinations in this Section III, then stop your deliberations, sign Decision Form B, and report this decision to the court.

If you answered "YES" with respect to any of the of the determinations in this Section III, then stop your deliberations, sign Decision Form C, and report this decision to the court.

IN THE UNITED STATES DISTRICT COURT  
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UNITED STATES OF AMERICA,

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V.

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Defendants.

Criminal Action No. 4:04CR70083

**SPECIAL VERDICT FORM**  
**DEFENDANT PLUNKETT**

By: Hon. Glen E. Conrad  
United States District Judge

## DECISION FORM A

We, the jury, as to Anthoine Plunkett, **do not** unanimously find proven beyond a reasonable doubt the existence of a threshold intent factor as to the killing of Tyree Wimbush and, therefore, do not consider the death penalty.

Foreperson Signature

Foreperson Name

Date \_\_\_\_\_

IN THE UNITED STATES DISTRICT COURT  
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UNITED STATES OF AMERICA,

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V.

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Defendants.

Criminal Action No. 4:04CR70083

**SPECIAL VERDICT FORM**  
**DEFENDANT PLUNKETT**

By: Hon. Glen E. Conrad  
United States District Judge

## DECISION FORM B

We, the jury, as to Anthoine Plunkett, **do not** unanimously find proven beyond a reasonable doubt the existence of a statutory aggravating factor as to the killing of Tyree Wimbush and, therefore, do not consider the death penalty.

Foreperson Signature \_\_\_\_\_

Foreperson Name

Date \_\_\_\_\_

IN THE UNITED STATES DISTRICT COURT  
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UNITED STATES OF AMERICA,

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**SPECIAL VERDICT FORM**  
**DEFENDANT PLUNKETT**

By: Hon. Glen E. Conrad  
United States District Judge

**DECISION FORM C**

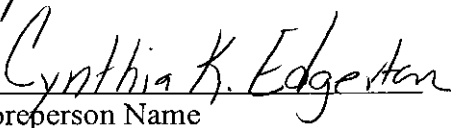
We, the jury, as to Anthoine Plunkett, unanimously find proven beyond a reasonable doubt the existence of a threshold intent factor and at least one statutory aggravating factor as to the killing of Tyree Wimbush:

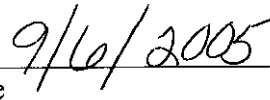
As to Count One YES ☒ NO ☐

As to Count Two YES ☒ NO ☐

As to Count Five YES ☒ NO ☐

  
Foreperson Signature

  
Foreperson Name

  
Date